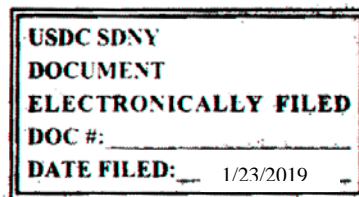


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



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DARRYL ROBINSON, et al.,

Plaintiffs,

16-CV-6152 (SN)

-against-

ORDER OF DISMISSAL

TOP OF THE LINE BROOKLYN, INC., et al.,

Defendants.

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SARAH NETBURN, United States Magistrate Judge:

In this Fair Labor Standards Act case, the parties filed a proposed settlement for court approval on October 31, 2018. See ECF No. 107. On November 8, 2018 I held a hearing to discuss, among other issues, the proposed settlement, and after that hearing the parties were ordered to amend the non-disparagement clause in order to comply with Cheeks v. Freeport Pancake House, Inc., 796 F.3d 199 (2d Cir. 2015). See ECF No. 109; see also Lopez v. Nights of Cabiria, LLC, 96 F. Supp. 3d 170, 180 n.65 (S.D.N.Y. 2015) (finding that a non-disparagement clause “must include a carve-out for truthful statements about plaintiffs’ experience litigating their case . . . [in order to be] ‘fair and reasonable.’”). On November 12, 2018 the parties filed their amended settlement agreement pursuant to that order. See ECF No. 111. On January 17, 2019, they consented to my jurisdiction. See ECF No. 113.

Having reviewed the revised settlement agreement, I find that it is fair and reasonable under Cheeks. The settlement is APPROVED, and this action is DISMISSED with prejudice.

SO ORDERED.

DATED: January 23, 2019
New York, New York


SARAH NETBURN
United States Magistrate Judge